

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**RUFUS J. HENRY
LA. DOC #74334
VS.**

CIVIL ACTION NO. 6:10-cv-0720

SECTION P

JUDGE MELANÇON

WARDEN BURL CAIN

MAGISTRATE JUDGE HANNA

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that the petition for writ of *habeas* be deemed a successive *habeas corpus* petition and that it be **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. §1631 for further proceedings in accordance with the provisions of 28 U.S.C. § 2244(b).

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 15th day of September, 2010.